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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,129

04/09/2007

Philip Howard Gazeley

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,129	Applicant(s) GAZELEY, PHILIP HOWARD	
	Examiner Stephen L. Blau	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/3/07 and 9/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 June 2008.

Claim Objections

2. Claim 15 is objected to because of the following informalities: The word "gulp" in line 1 does not make sense. Appropriate correction is required.

Claim Rejections – 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 is indefinite since the word "preferably" is indefinite. It is uncertain if bores being at least 20% the length of the grip is required or not.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 7-8, 10, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Strand (6,902,492).

Strand discloses a grip including a wide portion (26) of substantially uniform substantially rectangular cross-section (Figs. 1-3) with a width to depth ratio of the wide portion (From inflection point 38 to inflection point 44) being in a range 1.3 to 2.0:1 (Col. 3, Lns. 18-42), a front face (20) being convex (Fig. 3), the intersections of the front face (20) and the rear face (18) with each side face (12, 14) are rounded (Fig. 3), a grip having a tapered portion (24) at its lower end (Fig. 1), a golf club (Col. 2, Lns. 52-62), a putter (Claim 5), a wide portion has a widest point in the range of 30-60 mm in the form of the width at the second inflection point being 1.3 inches (Col. 3, Lns. 30-38).

7. Claims 1, 3-4, 8 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohrtz (WO 97/49462).

Kohrtz discloses a grip including a wide portion of substantially uniform substantially rectangular cross-section in the form of the top of figure 1, a wide portion having a front face, a rear face, and two side faces, a wide portion is of sufficient width to allow the club to be gripped by a golfer with both hands at the same height and both thumbs side-by-side on the front face of the wide portion (Fig. 3), the width to depth ratio of the wide portion is in the range 1.3 to 2:1 (Fig. 3), the wide portion of the grip has the widest point thereof in the range of 40-50 mm (Page 3, Lns. 25-32), and a front surface being convex and the rear and side surfaces are substantially planar (Figs. 1-3).

8. Claims 1-2, 8 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberle (5,779,559).

Eberle a grip including a wide portion of substantially uniform substantially rectangular cross-section (Figs. 4-5), a wide portion having a front face, a rear face, and two side faces (Fig. 5), a wide portion is of sufficient width to allow the club to be gripped by a golfer with both hands at the same height and both thumbs side-by-side on the front face of the wide portion (Fig. 5,6), the width to depth ratio of the wide portion is in the range 1.3 to 2:1 (Fig. 5), a front face (25) is convex and able to have both thumbs side-by-side and the wide portion of the grip has the widest point thereof in the range of 40-50 mm (Page 3, Lns. 25-32).

9. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Koblentz (2004/0147338).

Koblentz discloses a grip including a wide portion of substantially uniform substantially rectangular cross-section, a wide portion having a front face, a rear face, and two side faces, a wide portion is of sufficient width to be able to allow the club to be gripped by a golfer with both hands at the same height and both thumbs side-by-side on the front face (13) of the wide portion, a front surface (13) being convex and the rear (14) and side surfaces are substantially planar (Fig. 10).

10. Claims 15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Schroder (2003/0084756).

Schroder discloses a grip having an elongated body (74) and a separate end cap (79) for attachment to the upper end of the body member, a cap including locating formations for engagement with the body member, an end cap including lugs for engagement with elongate bores (76) in the body member (Fig. 4A) and elongate bores extend along substantial part of the length of the grip at least 20 % of the length of the grip (Fig. 4A) in order to reduce high frequency vibrations felt by a player (Abstract).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (5, 890,977) in view of Koblentz (2004/0147338).

Taylor discloses a grip including a wide portion of substantially uniform (Figs. 1-2) substantially rectangular cross-section (Fig. 6), a wide portion having a front face, a rear face, and two side faces (Fig. 6), a wide portion is of sufficient width to allow the club to be gripped by a golfer with both hands at the same height and both thumbs side-by-side on the front face of the wide portion (Fig. 6), the width to depth ratio of the wide portion is just below the range 1.3 to 2:1 (Fig. 6), the width to depth ratio of the wide portion appears to be in the range 1.3 to 2:1 (Figs. 11-12), and a front face having a rounded face (Fig. 6).

Taylor lacks the width to depth ratio of the wide portion is just below the range 1.3 to 2:1 and a front face having a radius of curvature in the range of 50-65 mm.

Koblentz discloses a front face having a large radius of curvature (Figs. 3C, Fig. 10) and a width to depth ratio of the wide portion in the range 1.3 to 2:1 (Fig. 3C) in order to place two thumbs side by side on a flat surface (Fig. 5) allowing a golfer to minimize putter jerks and “yipes” and promote a better pendulum stroke for more accuracy [0023]. Koblentz does not disclose the shape of the front face but clearly one skilled in the art would have selected a suitable shape in which the width to depth ratio of the wide portion is in the range 1.3 to 2:1 and a front face having a radius of curvature in the range of 50-65 mm are included. In view of Koblentz it would have been obvious to modify the grip of Taylor to have the width to depth ratio of the wide portion is in the range 1.3 to 2:1 and a front face having a radius of curvature in the

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range of 50-65 mm in order to place two thumbs side by side on a flat surface and have a grip which allows a golfer to minimize putter jerks and “yipes” and promote a better pendulum stroke for more accuracy.

13. Claims 4-5 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koblentz (2004/0147338) in view of Nakamatsu (GB 2,124,089).

Kolbentz discloses an alternative embodiment with a width to depth ratio being about 1.6:1 (Figs. 3A-3E) and widths being different sizes (Figs. 3, 4, 7).

Koblentz lacks a width to depth ratio being about 1.5:1.

Nakamatsu discloses a grip with a flat and convex surfaces with the flat surface able to place two thumbs side by side with the width to depth ratio of the wide portion being closer to 1 (Fig. 2). In view of Nakamatsu it would have been obvious to modify the grip of Kobentz to have a width to depth ratio being about 1.5:1 in order to fit a grip to a golfer who desires more grip to hold with the hands.

14. Claims 9, 11 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strand (6,902,492) in view of Enlow (6,890,265).

Strand discloses an intermediate and upper portion extending at least 60 % the length of the body (Abstract) and an intermediate portion which appears to be about 65% the overall length of the grip (Fig. 1).

Strand lacks a wide portion having a length in the range of 150-300 mm (5.9-11.81 inches), a wide portion having a length of 180-250 mm (7.09-9.84 inches), an

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overall length of the grip being 200-400mm (7.87-15.7 inches), and an overall length of the grip being 250-300mm (9.84-11.8 inches).

Enlow discloses a grip having a total length of 4-14 inches (Claim 1). In view of Enlow it would have been obvious to modify the grip of Strand to have an overall length of the grip being 200-400mm (7.87-15.7 inches), an overall length of the grip being 250-300mm (9.84-11.8 inches), wide portion having a length in the range of 150-300 mm (5.9-11.81 inches), and a wide portion having a length of 180-250 mm (7.09-9.84 inches) in order to have a long grip with a length for players with large hands.

15. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strand (6,902,492) in view of Schroder (2003/0084756).

Strand lacks a grip having an elongated body and a separate end cap for attachment to the upper end of the body member, a cap including locating formations for engagement with the body member, and an end cap including lugs for engagement with elongate bores in the body member.

Schroder discloses a grip having an elongated body (74) and a separate end cap (79) for attachment to the upper end of the body member, a cap including locating formations for engagement with the body member, and an end cap including lugs for engagement with elongate bores (76) in the body member (Fig. 4A) in order to reduce high frequency vibrations felt by a player (Abstract). In view of the publication of Schroder it would have been obvious to modify the grip of Strand to have a grip having an elongated body and a separate end cap for attachment to the upper end of the body

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member, a cap including locating formations for engagement with the body member, and an end cap including lugs for engagement with elongate bores in the body member in order to reduce high frequency vibrations felt by a player.

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder (2003/0084756) in view of Enger (5,749,792).

Schroder lacks a portion of the body member of uniform cross-section at its upper end.

Enger discloses a grip having an outer diameter being uniform in cross-section at its upper end in the form of a cylindrical grip (Fig. 4, Cols. 25-35). In view of Enger it would have been obvious to modify the grip of Schroder to have a portion of the body member of uniform cross-section at its upper end in order to utilize the vibration absorption advantages of the bores of Schroder for a cylindrical shaped grip and in order to have a uniform feel along the grip by having the outside shape the same along the length of the grip.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLB/17 August 2008

/Stephen L. Blau/
Primary Examiner, Art Unit 3711